

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRANDY FERRER, §  
§  
*Plaintiff*, §  
§  
v. § Case No. 2:19-cv-00193-RSP  
§  
NATIONAL GENERAL INSURANCE §  
COMPANY, §  
§  
*Defendant*. §

**ORDER**

Before the Court is Plaintiff's and Defendant's Agreed Motion to Sever and Abate (Dkt. No. 16), which seeks to sever and abate Plaintiff's claims (1) a declaratory judgment, (2) violations of the Texas Insurance Code, (3) bad faith, and (4) violations of the Texas Deceptive Trade Practices-Consumer Protection Act until a determination of the underinsured motorist's liability and the insured's damages are established. The Court directed Plaintiff to file a supplemental motion attaching an complaint stating only the claims that the parties desire to pursue in the severed action. (Dkt. No. 18). Plaintiff filed a notice indicating it was unopposed to the motion to sever and abate (Dkt. No. 19) and attached an Original Complaint For Extra-Contractual Causes of Action (Dkt. No. 19-1) to be severed into a separate action and abated. After consideration, the Court **GRANTS** the parties' agreed motion to sever and abate (Dkt. No. 16) and accepts Plaintiff's notice (Dkt. No. 19).

The claims in Plaintiff's Original Complaint For Extra-Contractual Causes of Action (Dkt. No. 19-1) are hereby **SEVERED** and **STAYED** pending a determination of the underinsured motorist's liability and the insured's damages. Plaintiff is **ORDERED** to file an amended complaint within 10 days setting forth only the claims being pursued in this action

at this time. (*See* Dkt. No. 18). The September 4, 2019 hearing on the parties' agreed motion to sever and abate is hereby cancelled.

**SIGNED this 3rd day of September, 2019.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE